

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

DEQUE SYSTEMS INC.,  
*Plaintiff*,

v.

BROWSERSTACK, INC., ET AL,  
*Defendant*.

No. 1:24-cv-217-AJT-WEF

**ORDER**

This matter is before the Court on various sealing motions made by the parties in connection with their Motions for Summary Judgment and Browserstack's Motions *in Limine* (Dkts. 143, 148, 158, 167, 174, 182, 188, 205, 216). Pursuant to the Court's Order dated February 7, 2025 (Dkt. 255), the parties submitted revised sealing requests (Dkts. 279, 280, 288, 289) and a hearing on the Motions was held on March 7, 2025.

Upon consideration of the parties' submissions, the First Amendment sealing standard, and for the reasons stated in open court, it is hereby

**ORDERED** that that Court makes the following rulings as to the Motions (Dkts. 143, 148, 158, 167, 174, 182, 188, 205, 216):

**Dkt. 143 Defendants' Motion to Seal (RE Defendant's Motion for Summary Judgment) – GRANTED as amended**

Ref. No.	Docket entry	Description	Status	Ruling
1	145	Unredacted brief in support of Defendants' Motion for Summary Judgment	Both parties sealing requests withdrawn	[Unredacted to be unsealed]
2	145-1	Unredacted Jain declaration	Defendants sealing request withdrawn	[Unredacted to be unsealed]

3	145-2	Ex. 8 Marton declaration (Barrell excerpts)	Plaintiff sealing request withdrawn	[Unredacted to be unsealed]
4	145-3	Ex. 9 Marton declaration (Kumar excerpts)	Plaintiff's request sealing of two customer names	<b>GRANTED</b>
5	145-4	Ex. 10 Marton declaration (Schneiderman excerpts)	Plaintiff sealing request withdrawn	[Unredacted to be unsealed]
6	145-5	Ex. 11 Marton declaration (Sinha excerpts)	Plaintiff sealing request withdrawn	[Unredacted to be unsealed]
7	145-6	Ex. 12 Marton declaration (000211 Appendix Speed Improvement Calculation)	Defendants sealing request withdrawn	[Unredacted to be unsealed]

**Dkt. 148 Plaintiff's Motion to Seal (RE Plaintiff's Motion for Summary Judgment) – GRANTED as amended IN PART**

Ref. No.	Docket entry	Description	Status	Ruling
8	150	Unredacted brief in support of Plaintiff's Motion for Summary Judgment	Both parties sealing requests withdrawn	[Unredacted to be unsealed]
9	150-1, 150-2	Ex. 1, 1a – 0000001 – Req. Doc.	Defendants maintain sealing request	<b>GRANTED</b>
10	150-3	Ex. 7 – unredacted Kumar declaration	Court ordered under seal	-
11	150-4	Ex. 12 – Arora deposition excerpts	Defendants proposed redactions (Dkt. 280-1)	<b>GRANTED</b>
12	150-5	Ex. 13 – Jain deposition excerpts	Defendants proposed redactions (Dkt. 280-2)	<b>GRANTED EXCEPT to the extent that redacted material is already discussed in Summary Judgment opinion (Dkt. 237)</b>
13	150-6	Ex. 14 – Doshi deposition excerpts	Defendants proposed redactions (Dkt. 280-3)	<b>GRANTED</b>
14	150-7	Ex. 15 – Sethi deposition excerpts	Defendants sealing request withdrawn	[Unredacted to be unsealed]

15	150-8	Ex. 16 – Shukla deposition excerpts	Defendants sealing request withdrawn	[Unredacted to be unsealed]
16	150-9	Ex. 17 – 0000030 “Accessibility Testing – Evaluation”	Defendants maintain sealing request	<b>GRANTED</b>
17	150-10	Ex. 23 – 0000202 – “Accessibility testing – Pricing page copy”	Defendants proposed redactions (Dkt. 280-4)	<b>GRANTED</b>
18	150-11	Ex. 24 – Deque proposal / quote	Court ordered under seal	-
19	150-12	Ex. 12 – Yenikomshian expert report	Defendants proposed redactions (Dkt. 280-5)	<b>GRANTED</b>
20	150-13	Ex. 28 – Deque document on IGT usage timeline	Defendants sealing request withdrawn	[Unredacted to be unsealed]

**Dkt. 158 / 174 - Plaintiff's Motion to Seal (RE Plaintiff's Opposition to Defendants' Motion for Summary Judgment) – GRANTED as amended IN PART**

Ref. No.	Docket entry	Description	Status	Ruling
21	160	Unredacted opposition to Defendants' Motion for Summary Judgment	Both parties' sealing request withdrawn [all designated by Defendants]	[Unredacted to be unsealed]
22	160-1	Ex. 3 – 0000653 - Financials	Court ordered under seal	-
23	160-2	Ex. 5 – Doshi deposition Excerpts	Defendants proposed redactions (Dkt. 280-6)	<b>GRANTED</b>
24	160-3	Ex. 6 – Deque R. 56 declaration	Defendants proposed redactions (Dkt. 280-7)	<b>GRANTED</b>
25	157-7 / 173	Ex. 7 – unredacted second supplement to Plaintiff's initial disclosures	Defendants proposed redactions (Dkt. 280-8)	<b>GRANTED EXCEPT to the extent that redacted material is already discussed in Summary Judgment opinion (Dkt. 237)</b>
26	160-4	Ex. 8 – Kahaiyan expert report	Court ordered under seal – Defendants proposed redactions (Dkt. 280-9)	<b>GRANTED EXCEPT to the extent that redacted material is already discussed in Summary Judgment opinion</b>

				(Dkt. 237)
27	160-5	Ex. 9 – 00000652 – Installs by region	Court ordered under seal	-
28	160-6	Ex. 10 – 0000017 – Financials	Court ordered under seal	-
29	160-7	Ex. 11 – Shukla depo excerpts	Defendants' sealing request withdrawn	[Unredacted to be unsealed]

**Dkt. 167 - Defendants' Motion to Seal (RE Defendants' Opposition to Plaintiff's MSJ) – GRANTED AS AMENDED**

Ref. No.	Docket entry	Description	Status	Remarks
30	169	Unredacted Defendant's opposition to Plaintiff's Motion for Summary Judgment	Defendants proposed redactions (Dkt. 280-10)	<b>GRANTED</b>
31	169-1	Unredacted Appendix A to Defendant's opposition to Plaintiff's Motion for Summary Judgment	Defendants sealing request withdrawn	[Unredacted to be unsealed]
32	170	Unredacted Marton Opposition Declaration (Schneiderman deposition description)	Plaintiffs sealing request withdrawn	[Unredacted to be unsealed]
33	170-1	Ex. 19 to Marton Opposition Declaration (DEQUE000001-0000025)	Plaintiff requests redaction of revenue info / customer names only	<b>GRANTED</b>
34	170-2	Ex. 20 to Marton Opposition Declaration (Schneiderman deposition Excerpts)	Plaintiff requests redaction of customer names only	<b>GRANTED</b>
35	171	Unredacted	Defendants propose	<b>GRANTED</b>

		Yenikomshian Declaration	redactions (Dkt. 280-11)	
36	171-1	Ex. 1 to Yenikomshian Declaration	Defendants sealing request withdrawn	<b>GRANTED</b>
37	172	Unredacted Jain Opp. Declaration	Defendants sealing request withdrawn	<b>GRANTED</b>

**Dkt. 182 - Defendants' Motion to Seal (re Defendants' Motion for Summary Judgment) – GRANTED as amended IN PART**

Ref. No.	Docket entry	Description	Status	Ruling
38	184	Unredacted memo in support of Defendants' Motion <i>in Limine</i>	Plaintiff requests redaction of customer names only	<b>GRANTED</b>
39	185	Unredacted Marton Motion <i>in Limine</i> declaration	Both parties' sealing requests withdrawn	[Unredacted to be unsealed]
40	185-1	Ex. 6 to Marton Motion <i>in Limine</i> declaration	Defendants propose redactions (same as Dkt. 157-7, Ref. No. 25) – (Dkt. 280-12)	<b>GRANTED EXCEPT to the extent that redacted material is already discussed in MSJ opinion (Dkt. 237)</b>
41	185-2	Ex. 12 to Marton Motion <i>in Limine</i> declaration (Kumar excerpts)	Plaintiff requests redaction of customer names only	<b>GRANTED</b>
42	185-3	Ex. 13 to Marton Motion <i>in Limine</i> declaration (Schneiderman excerpts)	Plaintiff withdraws sealing request	[Unredacted to be unsealed]
43	185-4	Ex. 14 to Marton Motion <i>in Limine</i> declaration (Sinha excerpts)	Plaintiff withdraws sealing request	[Unredacted to be unsealed]

**Dkt. 188 – Plaintiff's Motion to Seal (Plaintiff's Reply in Support of Plaintiff's Motion for Summary Judgment) – DENIED AS MOOT**

Ref. No.	Docket entry	Description	Status	Ruling
44	190	Unredacted reply in support of	Both parties' sealing requests withdrawn	[Unredacted to be unsealed]

		Plaintiff's Motion for Summary Judgment		
--	--	-----------------------------------------	--	--

**Dkt. 205 – Plaintiff's Motion to Seal (Plaintiff's Opposition to Defendants' Motion *in Limine* – DENIED AS MOOT**

Ref. No.	Docket entry	Description	Status	Ruling
45	207	Unredacted opposition to Defendants' Motion <i>in Limine</i>	Both parties' sealing requests withdrawn	[Unredacted to be unsealed]

**Dkt. 216 – Defendants' Motion to Seal (Defendants' Reply in Support of Defendants' Motion *in Limine*) – GRANTED as amended**

Ref. No.	Docket entry	Description	Status	Ruling
46	218	Unredacted reply in support of Defendants' Motion <i>in Limine</i>	Defendants proposed redactions (Dkt. 280-13). Plaintiffs also seek to redact only customer names	<b>GRANTED</b>
47	219	Ex. 2 to Marton Reply Decl. (DEQUE009921-9966)	Plaintiff withdraws sealing request	[Unredacted to be unsealed]

And it is further

**ORDERED** that the parties will re-file the above briefings and exhibits<sup>1</sup> as consistent with the Court's rulings within **seven (7)** days of the entry of this Order; and it is further

**ORDERED** that the parties will review, and if necessary, revise the pending Motions to Seal relating to the Motions for Attorneys' Fees and Reconsideration (Dkts. 246, 257, 264, 271, 282) as consistent with the Court's rulings above within **seven (7)** days of the entry of this Order.

**ENTERED** this 7th day of March, 2025.

---

<sup>1</sup> For the sake of simplicity, the parties are directed to refile all of the briefing related to the Motions for Summary Judgment and Browserstack's Motions *in Limine* consistent with this Order. The filing may be made in one docket entry if so desired.

William E. Fitzpatrick  
WILLIAM E. FITZPATRICK  
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia